

against a sitting President, where our national security is at stake, could the investigator subpoena the President? He wouldn't say he would.

Now, that was before the news that broke late yesterday. During our meeting, actually, the news broke that President Trump's former personal attorney, Michael Cohen, implicated the President in a violation of campaign finance laws.

The sequence of those two events—Kavanaugh's refusal to say that a President must comply with a duly issued subpoena and Michael Cohen's implication of the President in a Federal crime—makes the danger of Brett Kavanaugh's nomination to the Supreme Court abundantly clear. It is a game changer. It should be.

The President, identified as an unindicted coconspirator of a Federal crime—an accusation made not by a political enemy but by the closest of his own confidants—is on the verge of making a lifetime appointment to the Supreme Court, a court that may someday soon determine the extent of the President's legal jeopardy.

In my view, the Senate Judiciary Committee should immediately pause the consideration of the Kavanaugh nomination.

The majority of the Senate has still not seen the bulk of Judge Kavanaugh's record. At the very least—the very least—it is unseemly for the President of the United States to be picking a Supreme Court Justice who could soon be, effectively, a juror in a case involving the President himself.

In light of these facts, I believe Chairman GRASSLEY has scheduled a hearing for Judge Kavanaugh too soon, and I am calling on him to delay the hearing.

I know that Chairman GRASSLEY and Leader McCONNELL hold all the cards in terms of scheduling hearings, but the plain facts of the case should compel them to the same conclusion I have reached—that the Judiciary Committee should postpone Judge Kavanaugh's hearings.

At this moment in our Nation's history, the Senate should not confirm a man to the bench who believes that Presidents are virtually beyond accountability, even in criminal cases, and a man who believes that Presidents are virtually above the law and that only Congress can check a President's power.

Over the past year, despite numerous abuses of Presidential authority, despite numerous encroachments on the separation of powers, despite numerous attacks on the rule of law, this Republican Congress has done almost nothing—nothing—to check this President. If Congress can be captured by one party's deference to the President, we cannot allow the Supreme Court to be captured as well.

The doubts about Judge Kavanaugh's fitness for the bench were just magnified by Mr. Cohen's plea agreement.

The prospect of the President being implicated in some criminal case is no longer a hypothetical that can be dismissed. It is very real.

If Judge Kavanaugh truly believes that no sitting President, including President Trump, must answer for crimes he may or may not have committed, then he should not become Justice Kavanaugh with the power to make those views manifest in our books of law.

More broadly, yesterday's news has blackened an already dark cloud hanging over this administration. In addition to Mr. Cohen's implication of the President, Paul Manafort was convicted of violating Federal law on eight different counts in this trail, his first of two trials.

To take a step back, President Trump's campaign manager was convicted of Federal crimes. President Trump's personal attorney pled guilty to Federal crimes. President Trump's first National Security Advisor pled guilty to Federal crimes. A foreign policy advisor to his campaign pled guilty to Federal crimes, and more trials are coming.

Cabinet officials have been forced to resign for flagrant graft and profligacy funded by the American taxpayer. That is to say nothing of the fact that the first two congressional endorsements of President Trump's campaign came from two Congressmen who have recently been indicted on counts of insider trading and campaign finance violations—what a swamp, what a swamp. It is far worse than the swamp that existed when President Trump took over. He has not cleaned the swamp. He has made it more retched and more fetid.

No one in America can dismiss what has happened as the actions of a few bad apples. There is a cesspool around this President. There is now an unmistakable sinister hypocrisy to President Trump's campaign slogan: Drain the swamp. President Trump brought the worst swamp we have seen in Washington's history to town when he came here.

Yesterday's news leads me to make two points. First, Special Counsel Mueller's investigation is clearly doing what it was constituted to do and finding criminal activity in the process. Already there have been four guilty pleas or verdicts and dozens of indictments. The idea of calling Special Counsel Mueller's investigation a witch hunt was already absurd and laughable, and it becomes even more so today.

Second, the President should not even consider pardoning Mr. Manafort or Mr. Cohen at any point in the future. To do so would be the most flagrant abuse of pardon power and a clear obstruction of justice.

The Rosenstein-Mueller investigation must be permitted to conclude its work, and the President must resist the impulse to interfere with pardons, dismissals, or any other action that prevents the work of the Justice Department from going forward.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2019

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6157, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 6157) making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

Pending:

Shelby amendment No. 3695, in the nature of a substitute.

McConnell (for Shelby) amendment No. 3699 (to amendment No. 3695), of a perfecting nature.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Maine.

Ms. COLLINS. Thank you, Mr. President.

It has been 11 years since a Labor, Health and Human Services, and Education appropriations bill has been considered on the Senate floor, so let me begin my remarks this morning by commending the chairman and ranking member of the full Appropriations Committee, Senators SHELBY and LEAHY, for their determination to report each and every one of the appropriations bills so they can be considered, fully debated, and amended in the regular order. I also commend the subcommittee chairman, Senator BLUNT, and the ranking member, Senator MURRAY, for their leadership in creating a bipartisan bill.

This bill will make critical investments in medical research, opioid abuse prevention and treatment, the education of our students, and strengthening America's workforce.

I appreciate so much that the subcommittee accommodated so many of my priorities in crafting this bill. It has my very strong support. I am particularly pleased that the bill includes another \$2 billion increase for the National Institutes of Health. Robust investments in biomedical research will pay dividends for many American families struggling with disease and disability, just as such research has enabled us to prevent, treat, or cure other serious illnesses.

Notably, this year, for the first time, the bill reaches the milestone of providing at least \$2 billion a year for Alzheimer's disease research—the amount that the advisory council to the National Plan to Combat Alzheimer's Disease has calculated is needed to find an effective treatment for this disease by the year 2025. Tomorrow, I will join Senator BLUNT and others of my colleagues delivering separate remarks dedicated to this milestone achievement, but I did want to briefly highlight that investment now.